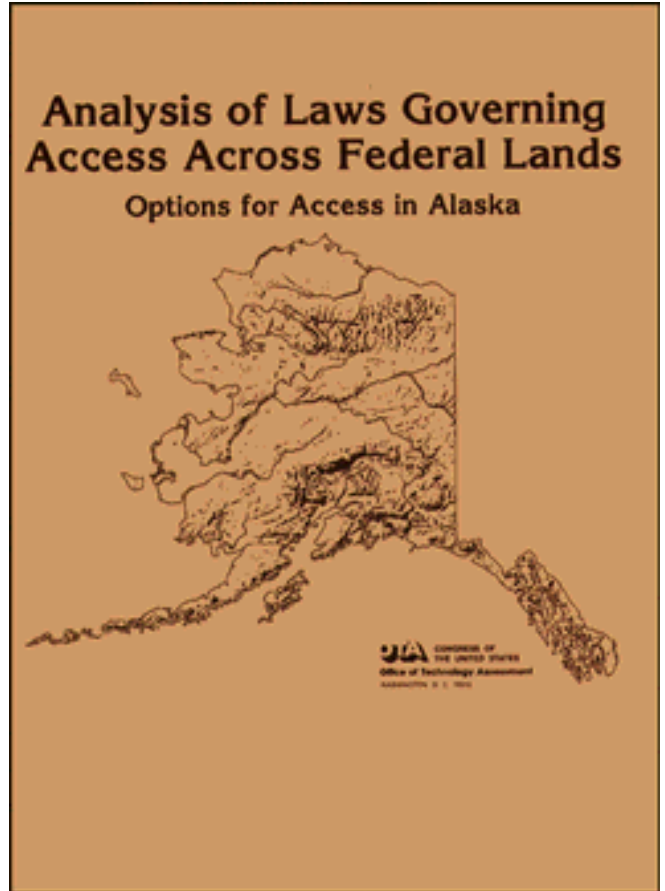


*Analysis of Laws Governing Access Across
Federal Lands: Options for Access in
Alaska*

February 1979

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Foreword

This analysis was conducted in response to a request from the Technology Assessment Board that the Office of Technology Assessment [OTA) examine the effects of Federal laws, policies, and practices on access through Federal lands to non-Federal mineral-bearing lands. The report analyzes the laws governing Federal land management systems, the laws specifically applicable to Alaskan lands, and the major environmental and land-planning laws that affect access across Federal land management systems.

Prior to Alaska statehood, the Federal Government owned over 99 percent of the land in the State. The Alaska Statehood Act and the Alaska Native Claims Settlement Act provide for conveyance of about 40 percent of the land to the State and to Native Regional and Village Corporations. Congressional intent, expressed at the time of passage of these Acts, was to provide land and resources, including minerals, to create an economic base for these non-Federal parties.

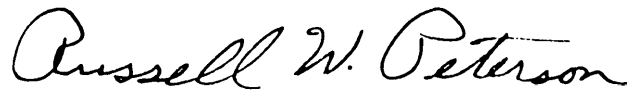
Following conveyance of State and Native lands, 60 percent of Alaska will remain in Federal ownership. These Federal lands will be managed by a number of different agencies under provisions of several laws. Access is a legal right to use certain lands for a specific purpose and access across Federal to State, Native, and privately held lands is a prominent issue for several reasons. Among these are the extent and nature of the Federal landholdings and the limited surface transportation network. Compared to the contiguous United States, only a small portion of Alaska is served by road or rail; and access for resource development is closely related to the improvement and expansion of these systems. Whether or not access across Federal lands for non-Federal mineral development is an appropriate use of these lands is one element in the intense public debate about the future management of the Federal lands.

This report is particularly relevant to the current congressional deliberations about Alaska National Interest Lands legislation. The 96th Congress has before it bills calling for the classification of portions of the remaining Federal lands in the State as national parks, wildlife refuges, national forests, wilderness areas, and wild and scenic rivers. Initiated under the provisions of section 17(d)(2) of the Alaska Native Claims Settlement Act, these bills could have a substantial effect on the future course of mineral resource development on both Federal and non-Federal lands. The decision of whether or not to allow Federal lands in Alaska to be used for access requires consideration of many values. These values include

wilderness preservation, resource development, wildlife maintenance, and the subsistence culture of Native and other rural Alaskan citizens.

The report presents five policy alternatives, or options, for congressional consideration. They constitute a range of approaches to access policy for Federal lands in Alaska. The options were structured to highlight these alternative approaches so that the advantages and disadvantages of each choice would become more apparent. No single option will meet the requirements of all interest groups, but a combination of several could provide a comprehensive approach to access policy.

Congress' final decision about the availability of access through Federal lands in Alaska for mineral developments on non-Federal lands will have long-range implications for the economy of the State and for conservation of the national interest lands. This report provides information to assist Congress in resolving this important issue.

A handwritten signature in cursive script that reads "Russell W. Peterson".

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Director

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Alaska Working Groups

OTA wishes to acknowledge the contribution of the two Alaska working groups that were convened to discuss the needs for access across Federal lands for mineral development on non-Federal lands and the environmental and social impacts of access.

**Mineral Resources Workshop
University of Alaska, August 20-21,1977**

**Convened and chaired by Russell Babcock
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Washington, D.C.

**Environmental Resources Workshop
University of Alaska, October 18-20,1977**

**Convened by Celia Hunter, The Wilderness Society
Chaired by Robert B. Weeden, University of Alaska, Fairbanks, Alaska**

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Acknowledgments

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Resource Planning Associates, Inc. Harbridge House, Inc.
Geological Resources, Inc. Earth Satellite Corp.
Univ. of Arizona Pan Technology Inc.

Alaska Groups

A large number of individuals and organizations in Alaska provided information for the assessment and reviewed draft documents circulated by OTA. While the contributions of these various groups are acknowledged, OTA assumes full responsibility for the content of this assessment report. A list of groups from the contiguous United States that contributed to the problem evaluation phase of the assessment is provided in appendix C.

Alaska Federation of Natives, Inc.	WGM, Inc.	University of Alaska
Alaska Miners Association, Inc.	Wilderness Society	College of Mineral Industry
Alaska Native Foundation		Mineral Industry Research Laboratory
Alaska Native Land Manager's Association	State of Alaska	Cooperative Extension Service
Bear Creek Mining Company	Department of Commerce and Economic Development	Geophysical Institute
Bering Straits Native Corporation	Division of Economic Enterprise	Institute of Social and Economic Research
Bristol Bay Native Corporation	Division of Energy and Power Development	United States Government
Citizens for Management of Alaska Lands	Department of Environmental Conservation	Federal Power Commission
Doyon, Limited	Department of Fish and Game	Alaska Power Administration
Fairbanks Industrial Development Corporation	Department of Natural Resources	Department of Agriculture Forest Service
Federal-State Land Use Planning Commission for Alaska	Division of Geological and Geophysical Surveys	Department of the Army Corps of Engineers
Great Lands Exploration	Department of Transportation and Public Facilities	Department of the Interior
Greater Fairbanks Chamber of Commerce	Legislative Affairs Agency	Bureau of Land Management
Hawley & Associates	Division of Research	Bureau of Mines
Placer Mining, Inc.	Office of the Governor	Fish and Wildlife Service
Resource Associates, Inc.	Division of Policy Development and Planning	Geological Survey
Sealaska Corporation	Office of Pipeline Surveillance	National Park Service
Standard Oil of California		Department of Transportation
Usibelli Coal Co.		Alaska Railroad Administration